

Notice of Public Hearing
LSA Document #18-69**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on May 4, 2018, at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 103, Indianapolis, Indiana, the Department of Insurance will hold a public hearing on a proposed rule to amend [760 IAC 1-21](#) to adjust surcharge rates for certain health care providers participating in the Indiana Patient's Compensation Fund (PCF), as well as update the rule so that it conforms with changes to [IC 34-18-1](#), et seq. The proposed rule reduces surcharge rates for nursing homes. The proposed rule also adds anesthesiologist assistants to the definition of "independent ancillary provider", and includes the appropriate surcharge rate for these providers. Finally, the proposed rule adds that health care providers may use a policy of insurance issued by a captive insurer, as defined in [IC 27-1-2-2.3](#), as proof of financial responsibility required for participation in the PCF.

Insurers, risk retention groups, and surplus lines producers remitting surcharge on behalf of health care providers electing to participate in the PCF will incur certain administrative costs as a result of the proposed rule. These costs are expected to be minimal. Nursing homes will see reduced surcharge rates. To participate in the PCF, anesthesiologist assistants will be required to remit the appropriate surcharge, along with proof of financial responsibility set forth in [760 IAC 1-21-2.5](#). These requirements and costs associated with the proposed rule are necessary. The proposed rule is intended to address the statutory requirement set forth in [IC 34-18-5-2](#) that the amount of the surcharge must be adequate for the payment of claims and expenses from the PCF and may not exceed the actuarial risk posed to the PCF. Milliman, Inc., the PCF's actuarial firm, issued a report to the PCF with respect to changes to nursing home surcharge rates. Based on this report, the Department determined that amendments to [760 IAC 1-21](#) are necessary.

Copies of these rules are available on the Department of Insurance's website at:
www.in.gov/idoi/2591.htm

Copies of these rules and the report issued by Milliman, Inc. are now on file at the Department of Insurance, 311 West Washington Street, Suite 103, Indianapolis, Indiana and are open for public inspection and copying.

Stephen W. Robertson
Commissioner
Department of Insurance

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